

BILL L. LEWIS AND
STANLEY M. ELLIOTT

IBLA 78-564

Decided October 16, 1978

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offer NM 33375.

Affirmed.

1. Oil and Gas Leases: Applications: Sole Party in Interest

An oil and gas lease offer filed on a simultaneous filing drawing entry card must be rejected if it contains the names of additional parties in interest, and there is a failure to file the statement of their interests, the agreement between the parties, and the evidence of their qualifications within the time required by 43 CFR 3102.7.

APPEARANCES: Bill L. Lewis and Stanley M. Elliott, pro sese.

OPINION BY CHIEF ADMINISTRATIVE JUDGE FRISHBERG

Bill L. Lewis and Stanley M. Elliott have appealed from a decision of the New Mexico State Office, Bureau of Land Management (BLM), dated August 1, 1978, rejecting their oil and gas lease offer NM 33375 for parcel number NM 500. The offer was filed on April 24, 1978, in the simultaneous drawing procedure pursuant to 43 CFR Subpart 3112.

[1] At the public drawing on May 9, 1978, appellants' entry card was the second card drawn for parcel number NM 500. 1/ Appellants'

1/ The first drawn entry card was disqualified.

entry card listed the names and social security numbers of three persons as other parties in interest. Because appellants failed to timely file the statement required by 43 CFR 3102.7, the offer was rejected. The regulation provides:

* * * If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. Failure to file the statement and written agreement within the time allowed will result in the cancellation of any lease that may have been issued pursuant to the offer * * *.

In their notice of appeal, appellants state that the May 9 drawing was their first and that they were then unaware of the filing requirements. However, persons dealing with the Government are presumed to have knowledge of pertinent regulations, regardless of actual knowledge of what is contained in such regulations or the hardship resulting from innocent ignorance. Federal Crop Ins. Corp. v. Merrill, 332 U.S. 380, at 384-85 (1970); see also 44 U.S.C. §§ 1507, 1510 (1970). Moreover, the printed instructions on the entry card itself plainly advise the offeror that "compliance must also be made with the provisions of 43 CFR 3102," and that with respect to other parties in interest, the offeror must furnish "evidence of their qualifications to hold such lease interest. See 43 CFR 3102.7." (Emphasis supplied.)

The requirements of 43 CFR 3102.7 are mandatory; an offer not in compliance therewith must be rejected. Lyle W. Todd and Eileen S. Todd, 26 IBLA 246 (1976); Emily Sonnek, 21 IBLA 245 (1975); Ross I. Gallen, 15 IBLA 86 (1974); Melvyn Kegler, 13 IBLA 265 (1973); James Monteleone, 9 IBLA 53 (1973).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Newton Frishberg
Chief Administrative Judge

We concur.

Douglas E. Henriques
Administrative Judge

Edward W. Stuebing
Administrative Judge

